

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8881 of 1995

Dated:19.1.2007

Between

K.Venkata Raju

.....Petitioner

and

1.The Executive Engineer, The Godavari
Head Works Division, Dowlaisweram
East Godavari District and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8881 of 1995

ORDER:

This writ petition is filed seeking a Mandamus to direct the respondents to examine the case of the petitioner with reference to individual claim regarding the service and his absorption in the work charged establishment as work charged employee, along with the petitioners in W.P.No.16197 of 1991 and to dispose of this writ petition in terms of the judgment dated 3.4.1995 in the said Writ Petition.

It is the case of petitioner that he is working as NMR in the PWD Workshop, Dowleswaram since 1988 onwards. A seniority list is supposed to be maintained by the respondents in each and every trade for the purpose of absorption in work charged establishment. Since the respondents are creating artificial breaks, the petitioner could not complete five years of continuous service to become work

charged employee. Some of the NMRs, who were seniors and juniors to the petitioner, numbering 14, filed writ petition No.16197 of 1991 before this Court and the said writ petition was disposed of on 3.4.1995 directing the respondents therein to consider the case of the petitioners therein and in pursuance of the same, some of the persons were already absorbed on permanent basis. Therefore, the petitioner, who is similarly situated as that of the petitioners in W.P.No.16197 of 1991, is also entitled for consideration on par with them. Hence, this writ petition.

A detailed counter affidavit has been filed on behalf of the respondents. It is stated that the petitioner has not worked in the Division (Sub-division) of P.W.D Workshops and Dry Docks, Dowleswaram. It is also stated that the petitioner has not been working from 1985 onwards. The petitioner in his affidavit has shown his age as 25 years and claimed that he has been working in the Department from 1985 onwards. If that being so, the age of the petitioner in 1985 will be only 15

years. It clearly shows the false claim of the petitioner in the writ petition. Further, as per the directions of this Court in Writ petition No. 16197 of 1991, all the individual claims of the petitioners therein, for absorption as per G.O.Ms.No.143 were considered, who have complied with the conditions laid down in G.O.Ms.No.143 and absorbed them into Work charged Establishment. The petitioner never worked in the said Division/Sub-division, hence he is not entitled to any absorption as per G.O.Ms.No.143. The petitioner has not complied with the conditions laid down in the said GO.

It seems that as per the directions of this Court in W.P.No.16197 of 1991, the respondents were supposed to examine the claim of each individual and to consider their absorption as per G.O.Ms.No.143. Since the petitioner has not satisfied with the conditions laid down in G.O.Ms.No.143, his case was rejected. Objection for considering the case of the petitioner seems to be that he never worked in the said division i.e., PWD Work shops and Dry Docks, Dowleswaram.

Therefore, the writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

19.1.2007

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